

REMARKS

Claims 1-2 and 4-21 are pending in this application.

Restriction Requirement

Claims 1-2 and 4-21 are subject to restriction as set forth in the Office Action. Responsive thereto, the election of the monomer building blocks of the polymer are: a) the cationic monomer is chosen according to formula (I) and b) the non-ionic monomer is a chosen according to formula (II). The specific monomer embodiment according to formula (I) is methyl chloride quaternized dimethylamino ethyl acrylate and the specific monomer embodiment according to formula (II) is acrylamide. The elected species read on claims 1, 9-12 and 19-21.

The restriction and election requirements are respectfully traversed for the following reasons.

Since the present application has been filed as a national application via the PCT route, the corresponding PCT provisions apply. According to 1893.03(d) of the MPEP, no restriction requirement is to be issued in a US national phase application filed under §371, such as the present application, as long as unity of the application had been accepted in the international phase.

This interpretation is confirmed by the WIPO's PCT applicant guide (see paragraph 139 on page 28 of vol. I, available under <http://www.wipo.int/pct/guide/en/gdvol1/pdf/gdvol1.pdf>).

According to the PCT, the unity of an invention can be assessed prior to (*a priori*) or after consideration of the prior art (*a posteriori*). In the present case the International Searching Authority as well as the International Preliminary Examining Authority have acknowledged the unity of the present invention *a priori* as well as *a posteriori*. See the PCT search report and IPEA Reports for PCT/EP 03/50847, located in the Attachments Section of this paper.

According to Rule 13.1 PCT:

An international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

Rule 13.2 PCT is directed to the circumstances in which the requirement of unity of invention is to be considered fulfilled. It reads:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The present invention is directed to novel fabric softener compositions. All claims are linked by the common structural feature, said fabric softener compositions comprising at least one polymer formed from the polymerization of a water soluble ethylenically unsaturated monomer or blend of monomers. There is a clear relationship between the species "monomer building block", "crosslinking agent" and "chain transfer agent". These species are reactive components in a polymerization reaction and form together the polymer component of the composition. The remaining species, fabric softener components, customary additives and components capable of sequestering metal ions, are optional species in the fabric softener compositions of the instant invention.

Consequently, present claims are clearly linked by a single general inventive concept as required by PCT rule 13.1; therefore, the present restriction requirement is improper.

For all of the above reasons, reconsideration and withdrawal of the restriction requirement is respectfully solicited.

The Applicants respectfully await consideration of the present claims on their merits. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



for

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Attachments: International Preliminary Examination Report for PCT/EP03/50847
International Search Report for PCT/EP03/50847
Supplemental IDS with Fee Letter

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